

R277-600 WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON MARCH 8, 2013. THE AMENDED RULE IS PUBLISHED IN THE APRIL 1, 2013 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF MAY 8, 2013.

**R277. Education, Administration.**

**R277-600. Student Transportation Standards and Procedures.**

**R277-600-1. Definitions.**

A. "ADA" means average daily attendance.

B. "ADM" means average daily membership.

C. "AFR" means a school district's annual financial report, one component of which is the AFR for all pupil transportation costs.

D. "Approved costs" means the Board approved costs of transporting eligible students from home to school to home once each day, after-school routes, approved routes for students with disabilities and vocational students attending school outside their regularly assigned attendance boundary, and a portion of the bus purchase prices. All approved costs are adjusted by the USOE consistent with a Board-approved formula per the annual legislative transportation appropriation.

~~[E. "APR" means the school district's annual program report, one component of which is for approved to and from school pupil transportation costs.]~~

~~[F]~~E. "Board" means the Utah State Board of Education.

~~[G]~~F. "Bus route miles" means operating a bus with passengers.

~~[H]~~G. "Deadhead" means operating a bus when no passengers are on board.

H. "Extended school year (ESY)" means an extension of the school district or charter school traditional school year to provide special education and related services to a student with a disability, in accordance with the student's IEP, and at no cost to the student's parents. ESY services shall meet the standards of Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3) and the State Board of Education Special Education Rules.

I. "Hazardous" means danger or potential danger which may result in injury or death.

J. "IDEA" means the Individuals with Disabilities Education Act, Title 1, Part A, Section 602.

K. "IEP" (individualized education program) means a written statement for a student with a disability that is developed and implemented under CFR Sections 300.340 through 300.347. ~~[—The IEP serves as a communication vehicle between parents and school personnel and enables them as equal participants to decide jointly what the student's needs are, what services shall be provided to meet those needs, what the anticipated outcomes may be, and how the student's progress toward meeting the projected outcomes shall be evaluated.]~~

L. "Local board" means the local school board of education.

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M. "M.P.V." means multipurpose passenger vehicle: any motor vehicle with less than 10 passenger positions, including the driver, which cannot be certified as a bus.

N. "Out-of-pocket expense" means gasoline, oil, and tire expenses.

O. "USOE" means the Utah State Office of Education.

#### **R277-600-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public schools in the Board, by Section 53A-1-402(1)(d) which directs the Board to establish rules for bus routes, bus safety and other transportation needs and by Section 53A-17a-126 and 127 which provides for distribution of funds for transportation of public school students and disability standards for ~~[eligibility]~~student bus riders.

B. The purpose of this rule is to specify the standards under which school districts may qualify for and receive state transportation funds.

#### **R277-600-3. General Provisions.**

A. State transportation funds are used to reimburse school districts for the costs reasonably related to transporting students to and from school. The Board defines the limits of school district transportation costs reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

B. Allowable transportation costs are divided into two categories. Expenditures for regular bus routes established by the school district, and approved by the state, are A category costs. Other methods of transporting students to and from school are B category costs. The Board devises a formula to determine the reimbursement rate for A category costs consistent with Section 53A-17a-127(3). B category costs are approved on a line-by-line basis by the USOE after comparing the costs submitted by a school district with the costs of alternative methods of performing the designated function(s) and subject to adjustment per legislative appropriation.

C. The USOE shall develop a uniform accounting procedure for the financial reporting of transportation costs. The procedure shall specify the methods used to calculate allowable transportation costs. The USOE shall also develop uniform forms for the administration of the program.

D. All student transportation costs ~~[are]~~shall be recorded. Accurate mileage, minute, and trip records ~~[are kept by program]~~shall be maintained. Records and financial worksheets

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shall be maintained during the fiscal year for audit purposes.

#### **R277-600-4. Eligibility.**

A. State transportation funds shall be used only for transporting eligible students.

B. Transportation eligibility for elementary students (K-6) and secondary students (7-12) is determined in accordance with the mileage from home specified in Section 53A-17a-127(1) and (2) to the school attended by assignment of the local board.

C. A student whose IEP identifies transportation as a necessary related service is eligible for transportation regardless of distance from the school attended by assignment of the local board.

D. Students who attend school for at least one-half day at a ~~non~~ alternate] location other than the local board designated school are expected to walk distances up to 1 and one half miles.

E. A school district that implements double sessions as an alternative to new building construction may transport, one-way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school, if the local board determines the transportation would improve safety affected by darkness or other hazardous conditions.

F. The distance from home to school is determined as follows: From the center of the public route (road, thoroughfare, walkway, or highway) open to public use, opposite the regular entrance of the one where the pupil is living, over the nearest public route (thoroughfare, road, walkway, or highway) open regularly for use by the public, to the center of the public route (thoroughfare, road, walkway, or highway) open to public use, opposite the nearest public entrance to the school grounds which the student is attending.

#### **R277-600-5. Student with Disabilities Transportation.**

A. Students with disabilities are transported on regular buses and regular routes whenever possible, unless the IEP team determines otherwise. School districts may request approval, prior to providing transportation, for reimbursement for transporting students with disabilities who cannot be safely transported on regular school bus runs.

B. School districts may be reimbursed for the costs of transporting or for alternative transportation for students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.

C. During the regular school year, an eligible special transportation route from the assigned school site to an

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alternative program location shall be for a minimum of fifteen days with primarily the same group of students

D. During the extended school year (ESY), an eligible special transportation route from the assigned school site to an alternative program location shall be for a minimum of ten days with primarily the same group of students.

~~[E]~~E. Transportation is provided by the Utah Schools for the Deaf and the Blind for students who are transported to its self-contained classes. Exceptions may be approved by the USOE.

#### **R277-600-6. Bus Route Approval.**

A. Transportation is over routes proposed by local boards and approved by the USOE. Information requested by the USOE shall be provided prior to approval of a route. During the regular school year, an eligible route from the assigned school site to an alternative program location shall be for a minimum of fifteen days with primarily the same group of students. ~~[A route usually is not approved for reimbursement]~~The USOE shall not approve a route for reimbursement if an equitable student transportation allowance or a subsistence allowance [accomplishes the needed transportation at less cost] for the necessary transportation is more cost-effective. The USOE may approve exceptions. A route shall:

- (1) traverse the most direct public route;
- (2) be reasonably cost-effective related to other feasible alternatives;
- (3) provide adequate safety for students;
- (4) traverse roads that are constructed and maintained in a manner that does not cause property damage; and
- (5) include an economically ~~[adequate]~~ appropriate number of students.

B. The minimum number of general education students required to establish a route is ten; the minimum number of students with disabilities is five. A route may be established for fewer students upon special permission of the State Superintendent.

C. The school district designates safe areas for bus stops.

(1) To promote efficiency, the USOE approved minimum distance between bus stops is 3/10 of a mile. The USOE may ~~[approve]~~ make exceptions for shorter distances between bus stops for student safety.

(2) Bus routes shall avoid, whenever possible, bus stops on dead-end roads.

(3) Students are responsible for their own transportation to bus stops up to one and one-half miles from home.

(4) ~~[Special education s]~~ Students with disabilities are responsible for their own transportation to bus stops ~~[consistent~~

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~~with their IEPs]~~unless the IEP team determines otherwise.

D. Changes made by school districts in existing routes or the addition of new routes shall be reported to the USOE as they occur. The USOE shall review and may refuse to fund route changes~~[as applicable]~~.

E. The USOE may reimburse a school district for transporting another district's students across school district boundaries so long as:

(1) the route promotes efficient transportation for both districts;

(2) the route serves a group or community of students and families rather than a single student or a single family;

(3) the local boards of both participating districts vote in an open meeting that students who reside in one district can be better and more economically served by another district; and

(4) both districts and the USOE maintain documentation annually of the boards' votes and the map of the approved route.

~~[E]~~F. [Transporting] Schools may transport eligible students home after school activities held at the students' school of regular attendance and within a reasonable time period after the close of the regular school day ~~[is]~~and receive approved route mileage.

G. ~~[A route may be approved as an]~~The USOE may approve atypical routes as alternatives to building construction~~[upon special permission of the USOE]~~ if~~[the]~~ routes ~~[is]~~are needed to allow more efficient school district use of school facilities. Building construction alternatives include elementary double sessions, year-round school, and attendance across school district boundaries.

H(1) School districts may use State Guarantee Transportation Levy or local transportation funds to transport students across state lines or out-of-state for school sponsored activities or required field trips if:

(a) the local board has a policy that includes approval of trips at the appropriate administrative level;

(b) the school or school district has considered the purpose of the trip or activity and any competing risk or liability;

(c) given the distance, purpose and length of the trip, the school district has determined that the use of a publicly owned school bus is most appropriate for the trip or activity; and

(d) the local board has consulted with State Risk Management.

(2) If school bus routes transport students across Utah state lines or outside of Utah for required to and from routes, routes are reimbursable providing school districts maintain documentation that the routes are necessary, or are more cost-effective, or

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provide greater safety for students than in-state routes.

**R277-600-7. Alternative Transportation.**

Bus routes that involve a large number of deadhead miles ~~[are]~~will be analyzed by the USOE for reduction or to determine if an alternative method of transporting students is more efficient. Approved alternatives include the following:

A. The costs incurred in transporting eligible pupils in a school district multipurpose passenger vehicle (M.P.V.) are approved costs as long as the costs demonstrate efficiency.

B(1) The costs incurred in paying eligible students an allowance in lieu of school district-supplied transportation are~~an~~ approved costs. A student is reimbursed for the mileage to the bus stop or school, whichever is closer, ~~[nearest]~~to the student's home. The allowance shall not be less than the standard mileage rate deduction permitted by the United States Internal Revenue Service for charitable contributions, nor greater than the reimbursement allowance permitted by the Utah Department of Administrative Services for use of privately owned vehicles set forth in the Utah Travel Regulations;

(2) a student mileage allowance is made to only one student per family for each trip that is necessary for all the students within a family to attend school. If siblings are on different school schedules or ride buses that are on significantly different schedules, multiple students within a family may claim and be paid for student mileage allowances;

(3) if a student or the student's parent is unable to provide private transportation, with prior state approval, an amount equivalent to the student allowance ~~[is payable]~~may be paid to the school district to help pay the costs of school district transportation;

(4) the student's mileage shall be measured and certified in school district records. The student's ADA, as entered in school records, is used to determine the student's attendance.

C(1) The cost incurred in providing a subsistence allowance is an approved cost. If a student lives more than 60 miles (one way) on well-maintained roads from the student's assigned school, a parent may be reimbursed for the student's room and board if the student relocates temporarily to reside in close proximity to the student's assigned school. Payment shall not exceed the Substitute Care Rate for Family Services for the current fiscal year. Adjustments for changes made in the rate during the year are included in the allowance. In addition to the reimbursement for room and board, the subsistence allowance includes the costs of 18 round trips per year.

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(2) A subsistence allowance is not applicable to a parent who maintains a separate home during the school year for the convenience of the family. A parent's primary residence during the school year is the residence of the child.

D. Contracting or leasing for pupil transportation

(1) The cost incurred in engaging in a contract or leasing for transportation is an approved cost at the prorated amount available to school districts.

(2) Reimbursements for school districts using a leasing arrangement are determined in accordance with the comparable cost for the school district to operate its own transportation.

(3) Under a contract or lease, the school district's transportation administrator's time shall not exceed one percent of the commercial contract cost.

(4) Eligible student counts, bus route mileage, bus route minutes, service to students with disabilities and bus inventory data are required as if the school district operated its own transportation.

**R277-600-8. Other Reimbursable Expenses.**

State transportation funds at the USOE-determined prorated amount may [~~be used to~~] reimburse a school district for the following costs:

A. Salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics and other personnel necessary to operate the transportation program:

(1) a full time supervisor may be paid at the same rate as other professional directors in the school district. The supervisor's salary shall be commensurate with the number of buses, number of eligible students transported, and total responsibility relative to other school district supervisory functions. A school district may claim a percentage of the school district superintendent's or other supervisor's salary for reimbursement if the school district's eligibility count is less than 600 and a verifiable record of administrative time spent in the transportation operation is [~~kept~~ maintained];

(2) The wage time for bus drivers includes to and from school time: ten minute pre-trip inspection, actual driving time, ten minute post-trip inspection and bus cleanup, and 10 minute bus servicing and fueling;

B. Only a proportionate amount of a superintendent's or supervisor's employee benefits (health, accident, life insurance) may be paid from the school district's transportation fund;

C. Purchased property services;

D. Property, comprehensive, and liability insurance;

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E. Communication expenses and travel for supervisors to workshops or the national convention;

F. Supplies and materials for vehicles, the school district transportation office and the garage;

G. Depreciation: The USOE ~~[computes]~~ shall provide an annual formula for school bus depreciation;

H. Training expenses to complete bus driver instruction and certification required by the Board; and

I. Other related costs approved by the USOE which may include additional bus driver training.

#### **R277-600-9. Non-reimbursable Expenses.**

A. AFR for all pupil transportation costs shall only include pupil transportation costs and other school district expenditures directly related to pupil transportation.

B. ~~[Expenditures for uses of school district buses and equipment which are not approved APR to and from school pupil transportation costs shall be deleted when transportation costs are calculated. Bus and equipment]~~ In determining expenditures for eligible to and from school transportation, all related costs shall be reduced on a pro rata basis for the miles not connected with approved costs.

C. Expenses determined by the USOE ~~[to be]~~ as not directly related to transportation of eligible students to and from school ~~[are]~~ shall not be reimbursable.

D. Local boards may determine appropriate non-school uses of school buses. Local boards may lease/rent public school buses to federal, state, county, or municipal entities, and those insured by State Risk Management or to non-government entities or to those not insured through State Risk Management. In making these determinations, local boards shall:

(1) require full cost reimbursement for any non-public school use including:

- (a) cost per mile;
- (b) cost per minute;
- (c) bus depreciation.

(2) require documentation from the non-school user of insurance through State Risk Management or private insurance coverage and a fully executed agreement for full release of indemnification;

(3) require that any non-school use is revenue neutral; and

(4) consult with State Risk Management to determine adequacy of documentation of insurance and indemnity for any entity requesting use or rental of publicly owned school buses.

E. If a local board approves the use of school buses by a non-



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governmental entity or an entity not insured through State Risk Management, ~~[requests the use of school bus(es), the]~~that use shall be approved~~[by a local board]~~ in an open board meeting.

F. In the event of an emergency, local, regional, state or federal authorities may request the use of school buses or school bus drivers or both for the period of the emergency. The local board shall grant the request so long as the use can be accommodated consistent with continuing student~~[safety and]~~ transportation and student safety requirements.

#### **R277-600-10. Board Local Levy.**

A. Costs for school district transportation of students which are not reimbursable may be paid for from general~~[funds of the]~~ school district funds or from the proceeds of the Board Local Levy authorized under Section 53A-17a-164.

B. The revenue from the Board Local Levy may be used for transporting students and for the replacement of school buses.

C. A local board may approve the ~~[T]~~transportation of students in areas where walking constitutes a hazardous condition~~[may be provided]~~ from general local board funds ~~[from the school district]~~ or from the Board Local Levy.

(1) Hazardous walking conditions shall be determined by an analysis by the local board of the following factors:

- (a) volume, type, and speed of vehicular traffic;
- (b) age and condition of students traversing the area;
- (c) condition of the roadway, sidewalks and applicable means of access in the area; and
- (d) environmental conditions.

(2) A local board may designate hazardous conditions.

D. Guarantee Transportation Levy

(1) Appropriated funds under Section 53A-17a-127(7) shall be distributed according to each school district's proportional share of its qualifying state contribution.

(2) The qualifying state contribution for school districts shall be the difference between 85 percent of the average state cost per qualifying mile multiplied by the number of qualifying miles and the current funds raised per school district by an amount of revenue equal to at least .0002 per dollar of taxable value of the school district's Board Local Levy under Section 53A-17a-164.

#### **R277-600-11. Exceptions.**

A. When undue hardships and inequities are created through exact application of these standards, school districts may request an exception to these rules from the State Superintendent on individual cases. Such hardships or inequities may include written

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evidence demonstrating that no significant increased costs (less than one percent of a school district's transportation budget) is incurred due to a waiver or that students cannot be provided services consistent with the law due to transportation ~~[restrictions]~~exigencies. The State Superintendent may consult with the Pupil Transportation Advisory Committee, designated in Section 53A-17a-127(5), in considering the exemption.

B(1) a school district shall not be penalized in the computation of its state allocation for the presence on an approved to and from school route of an ineligible student who does not create an appreciable increase in the cost of the route;

(2) there is an appreciable increase in cost if, because of the presence of ineligible students, any of the following occurs:

- (a) another route is required;
- (b) a larger or additional bus is required;
- (c) a route's mileage is increased;
- (d) the number of pick-up points below the mileage limits for eligible students exceeds one;
- (e) significant additional time is required to complete a route.

(3) ineligible students may ride buses on a space available basis. An eligible student may not be displaced or required to stand in order to make room for an ineligible student.

**KEY: school buses, school transportation**

**Date of Enactment or Last Substantive Amendment: ~~[April 10, 2012]~~2013**

**Notice of Continuation: March 12, 2013**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(d); 53A-17a-126 and 127**